

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-10
)	
HECKER DESIGN LTD. and)	
William F. Hecker, Jr.)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around April 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Hecker Design Ltd. and William F. Hecker, Jr. ("Hecker"). William F. Hecker, Jr. is the sole proprietor of a business that provides "expert witness" services on matters related to the American for Disability Act. Hecker lists an address of P.O. Box 59706, Birmingham, Alabama. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Hecker and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around April 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
 - 2. Section 11-204(a)(1)(C), HRS reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
 - 3. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.

4. On or about May 21, 1998, Hecker made a contribution to Harris in the amount of \$200.
5. On or about June 29, 1999, Hecker made a contribution to Harris in the amount of \$2,000.
6. On or about November 1, 1999, Hecker made a contribution to Harris in the amount of \$2,000.
7. That aggregate contributions total \$4,200 to the Harris 2000 campaign committee for the election period, an excess contribution of \$200.
8. Hecker acknowledges that a \$200 contribution had been made to the Harris 2000 campaign committee in violation of section 11-204(a)(1)(C), HRS.
9. That excess contributions in violation of section 11-204(a)(1)(C), HRS was not knowing, intentional, or reckless pursuant to section 11-229, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-10, Hecker understands and agrees to the following:

- (A) Hecker agrees to an assessment of **Five Hundred Dollars** (\$500) pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(C), HRS, making an excess campaign contribution to the

Harris campaign committee for the relevant election period.

(B) Hecker agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Hecker on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

William F. Hecker, Jr.

By: _____

Date: _____

(Name)

(Title)